



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,636	12/28/2001	Joseph W. Weber	13208.121	4100

24283 7590 12/13/2005

PATTON BOGGS  
1660 LINCOLN ST  
SUITE 2050  
DENVER, CO 80264

EXAMINER

DERWICH, KRISTIN M

ART UNIT PAPER NUMBER

2132

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/035,636	<b>Applicant(s)</b> WEBER ET AL.	
	<b>Examiner</b> Kristin Derwich	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-8 are pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Hereafter patent literature that is referenced as prior art will be cited by column and line number in the form of (column number:line number range). For example, the citation (6:23-27) refers to lines 23-27 of the 6<sup>th</sup> column in the reference.

2. Claims 1, 2, 5 and 8 rejected under 35 U.S.C. 102(b) as being anticipated by Fielder et al. (Fielder), U.S. Patent No. 6,049,612.

As per claims 1, 5 and 8:

Fielder discloses a method for generating an encryption key comprising:

retrieving the host identification from the host device (4:29-31 wherein the E-Key Seed acts as the host identification (6:13-15));

generating at least one content variable (4:29-31 wherein the constant value is the content variable);

combining the host identification and the at least one content variable to produce two or more combinations, wherein the method used to combine the host identification and the at least one content variable repeatedly produces the same two or more combinations (5:18-30);

Art Unit: 2132

coalescing the two or more combinations to produce the encryption key, wherein the method of coalescing the two or more combinations repeatedly produces the same encryption key (5:18-30);

encrypting the block of plaintext using the first encryption key to produce a block of ciphertext (5:37-46);

appending the at least one content variable to the block of ciphertext (5:37-46);

transmitting the block of ciphertext and the appended at least one content variable over the unsecured interface to the storage device (3:11-16);

storing the block of ciphertext and the appended one or more content variables within the storage device (3:11-16); and

decrypting the block of ciphertext with the encryption key to produce the block of plaintext (4:61-63).

As per claim 2:

concatenating the two or more combinations using a predetermined method, wherein concatenating the two or more combinations repeatedly produces the same encryption key (5:18-30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2132

3. Claims 3, 4, 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Fielder (U.S. 6,049,612) as applied to claims 1 and 5 above and further in view of Kudo et al. (Kudo), U.S. Patent No. 6,381,695.

As per claims 3 and 6:

Fielder fails to teach obtaining a time variable from a secure clock within the host device. However, Kudo discloses a method wherein a time variable is obtained because it is required in order to decrypt the message (2:64-3:8).

As per claim 4:

Fielder substantially teaches a method comprising:

retrieving the host identification from the host device (4:29-31 wherein the E-Key Seed acts as the host identification (6:13-15));

generating a content identification, wherein the content identification corresponds to the block of plaintext (4:29-31 wherein the constant value is the content variable);

combining the host identification and the content identification to produce at least six combinations thereof (5:18-30); and

coalescing the at least six combinations to wherein the method of coalescing the generate the encryption key, at least six combinations repeatedly produces the same encryption key (5:18-30).

Fielder fails to teach a method that obtains a time variable. However, Kudo discloses a method wherein a time variable is obtained because it is required in order to decrypt the message (2:64-3:8).

As per claim 7:

Art Unit: 2132

Fielder substantially teaches a method comprising:

retrieving the stored block of ciphertext and the appended at least one content variable from the storage device (6:23-34);

retrieving the host identification from the host device (6:13-15);

Fielder fails to teach a method comprising utilizing decryption criteria such as a time variable, in order to decrypt. However, Kudo discloses a method wherein a time disclosure is set and when a message is to be decrypted the time is obtained and checked against the time disclosure since the message can only be decrypted at the disclosure time and if it is then the encryption key is used to decrypt (2:64-3:8; 5:60-6:2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the time dependent decryption of Kudo with the encryption/decryption method of Fielder because then the decryption condition that is used, such as an ID or password, would not need to be distributed to the person actually performing the decryption which would increase the security of the system as a whole (Kudo, 7:9-25).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

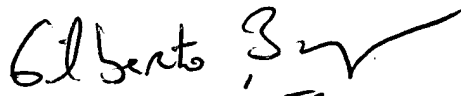
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMD  
KMD

Kristin Derwich  
Examiner  
Art Unit 2132

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100